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ABSTRACT

This manual sets forth the affirmative action policies of the Ventura County Community College District (California). It includes: (1) a summary of pertinent affirmative action law; (2) policy statements, objectives, and timetables; (3) a list of the duties and responsibilities of the affirmative action officer; (4) methods of implementing affirmative personnel practices (recruitment, selection, training, anti-nepotism, placement and job classification, termination and layoff, conditions of work, benefits, salary, and leave policy) for classified and certificated staff; and (5) contract compliance guidelines for district contractors operating with federal, state, and district funds. Appendices contain sample forms for implementing affirmative action policies, a description of the grievance procedure to be utilized when applicants or employees make claims of unlawful discrimination, a policy statement on the non-discriminatory selection of certificated staff, and the statement required of district contractors by the California Labor Code. (RT)

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AFFIRMATIVE ACTION POLICY

AND PROGRAM MANUAL

Approved and Certified by The Board of Trustees
June 19, 1973

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July 20, 1973

Updated October 1976
(Revised portions in italics)

- Moorpark College
- Oxnard College
- Ventura College

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CHAPTER I

INTRODUCTION

The Ventura County Community College District's Affirmative Action Program has been made possible through the joint efforts of the District and the community and through consultations with the appropriate Federal and State agencies

Executive Order 11246 as amended, requires of contractors not to discriminate against any employee or applicant for employment. It also requires them to "take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, color, religion, sex, national origin, or *physical handicap*". It further requires that such action shall include, but not be limited to, employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, compensation, and selection for training including apprenticeship.

Reacting to Executive Order 11246 the Department of Labor created Labor Order #4, which outlined the activities that a federal contractor would have become involved with in order to demonstrate affirmative efforts aimed at eliminating discriminatory practices. This Department of Labor's order was put into law as Title 41 of the Code of Federal Regulations. Title 41 C F R, emphasized, that affirmative activities which will include recruitment and validation of qualifications for employment, must be undertaken by an employer in order to correct problems regarding the underutilization of specific ethnic minority groups and women. To measure the effectiveness of these affirmative activities the employer will establish goals and timetables for correcting underutilization whenever a utilization analysis indicates that certain groups are not adequately represented in that employers labor force.

Affirmative Action finds support in statutory law. The Civil Rights Act of 1964 as amended is, in fact, the basis of all subsequent presidential orders requiring the institution of affirmative action programs. In the "Equal Employment Opportunity Act of 1972", this Act amended by eliminating the pre-existing exemption of educational institutions from coverage under the provision of Title VII. In the 1972 Act, the Equal Employment Opportunity Commission is empowered to institute proceedings against any employer with 15 (fifteen) or more employees. The Office for Civil Rights of the Department of Health, Education, and Welfare has also concurrent jurisdiction under Title VII over educational institutions.

In California, equal employment opportunity was enacted into law in the Fair Employment

Practices Act of 1959 as amended in 1967. The Board of Governors of the California Community Colleges issued, on April 29, 1969, a suggested statement of an outline of an affirmative action program. On September 16, 1971, the Board of Governors issued a "Statement of Policy on Minority Personnel Practices." In Ventura County, the Board of Trustees of the Ventura County Community College District created, on September 16, 1969, a citizens advisory committee known as the "District Advisory Committee on Minority Problems". As a result of the Committee's recommendation to the Board, the Office of Affirmative Action was created. The Board of Trustees passed an administrative ruling on March 3, 1970, which stated that, "In carrying out the Board's employment policy, the immediate objective of the administration and faculty is to recruit, employ, and retain a certificated staff which in its membership closely approximates the racial composition which exists in the population of the College District."

Congress requires the "... removal of artificial, arbitrary and unnecessary barriers to employment," observed the Supreme Court in ruling on the Griggs vs the Duke Power Company case, "when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification." The Chief Justice also stated that "Congress has not commanded that the less qualified be preferred over the be better qualified simply because of minority origins. Far from disparaging job qualification as such, Congress has made such *job related* qualifications the controlling factor, so that race, religion, nationality, sex, and *physical handicap* become irrelevant. What Congress has commanded is that any tests used must measure the person for the job and not the person in the abstract." He further stated that "The Act[Civil Rights Act of 1964 as amended] proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation." "The touchstone," he declared, "is business necessity." However, he further declared, that the "Act [Civil Rights Act of 1964 as amended] does not command that any person be hired simply because he was formerly the subject of discrimination or because he is a member of a minority group. Discriminatory preference for any group, minority or minority, is precisely and only what Congress has proscribed." "But," he added, "congress directed the thrust of the Act to the consequences of employment practices, not simply motivation. More than that, Congress has placed on the employer the burden of showing that any given requirement must have a manifest relationship to the employment in question."

CHAPTER I I

DEFINITION OF TERMS

The following are the official definition of terms used in this Manual. New terms may be added as they come into use.

1. Administrative Personnel - Any administrative position requiring a California Community Colleges administrative credential, including Superintendent, Presidents, and deans, *or member of the management staff for either the colleges or the district.*

2. Affirmative Action - A set of specific and result-oriented procedures to which a contractor commits himself/herself to apply every good faith effort. The objective of those procedures, plus such efforts, is equal employment opportunity.

3. Age - The age group by which the equal opportunity provision of the District shall apply in its hiring shall be from age 16 through 65 years old.

4. Board of Trustees - The Ventura County Community College District's governing board.

5. Certificated Personnel - Any employee of the District who is required to have a State credential for the position held. For purposes of this Manual, certificated personnel includes those who are employed either full-time or part-time.

6. Classified Personnel - Any employee of the District who is employed in a position requiring no certification. In addition, full time students on part time basis, apprentices, and/or temporary positions are excluded from the Classified Service.

7. Contractor - Any employer having a Government contract with $10,000 or more, or any federally-assisted construction contract. The Ventura County Community College District is the federal [prime] contractor of the College District.
   a. Prime Contractor - the Ventura County Community College District is a prime contractor because it is a depository of non-construction Federal Government funds.

b. Prime Construction Contractor - the bidder who was awarded the construction contract by the Ventura County Community College District who is the owner of the federally-assisted funds allocated to it by the Federal Government.

8. Discrimination in Testing - The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected under Federal regulation of the Civil Rights Act of 1964 as amended, unless: (a) the test has been validated and evidences a high degree of utility and (b) the person giving or acting upon the results of the particular test can demonstrate that alternate suitable hiring, transfer, or promotion procedures are unavailable for use.

9. *Ethnic/Race Categories - Are described as;*
Black - African descent as well as those identified as Jamacian, Trinidadian and West Indian.
Native American (Indian) - Include persons who identify themselves or are known as such by virtue of tribal association, Aleuts or Eskimos.
Asian - Japanese, Chin ese, Korean or Southeast Asian, and Pacific Islanders other than those described hereafter.
Spanish-Surname - Mexican, Puerto Rican, Cuban, Latin American or Spanish descent. Do not include any person identified in this group under "White" or "Black".
White - Indo-European descent, including Pakistani and East Indian, European.
Other - Malayans, Thais or Filipino and others not covered by the specific categories in this section.

10. Executive Order 11246 - The presidential order issued by the President of the United States on September 24, 1965, relating to nondiscrimination in employment. It was amended by subsequest Executive Order 11375 relating to a to affirmative action programs, and sex discrimination in federal, public, or private employment. The Executive Order specifically forbids discrimination in employment on government contracts based on race, color, religion, sex, national origin, or *physical handicap.* Executive Orders have full force and effect of law *for Federal contracts.*

11. Goals - The anticipated levels of accomplishment planned by [a prime contractor or subcontractor] the Ventura County Community College District designed to rectify the deficiencies in the employment of women and ethnic minority persons.

Goals should be signficant, measurable and attainable, and reflect the community population proportions when demonstrably appropriate. Goals are not restrictive numerical ceilings and are legal. (For a definition of "quota" see p. 6, No. 17.)

12. Good Faith Effort - The Ventura County Community College District's level of performance and active/positive efforts in realizing the goals and timetables set forth in the recruitment and hiring of persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin *or physical handicap.*

13. Hourly Instruction - Instruction compensated for at an hourly rate.

14. *Physical Handicap - Only those physical impairments or handicaps that will not adversely affect that applicant's ability to perform the job or position that person is applying for.*

15. *Management employees - Excluded from bargaining units; formulate and effectuate policies by expressing and making operative decisions of their employer. Also includes all personnel performing supervisory functions.*

16. Nondiscrimination - The elimination of all existing vestiges of institutional discriminatory acts and conditions with respect to race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin *or physical handicap.*

17. Office of Instruction - The area involving certificated employees who are responsibe for all teaching and/or primary supportive instructional services to teachers. The primary positions in the Office of Instruction include instructor, divisional director of instructional service, coordinator, department head and dean.

18. Quota - A rigid and restrictive numerical ceiling used in arriving at a timetable for a given racial, ethnic, religious or sex group. This is prohibited by law. (For a definition of "goal" see p. 5, No. 11.)

19. Regular Student Position - Is a continuing, semester-long appointment.

20. Revised Order No. 4 - Title 41 of the Code of Federal Regulations, Chapter 60-2 entitled "Affirmative Action Programs", which requires contractors with fifty (50) or more employees to develop a written Affirmative Action Contract Compliance.

21. Revised Order No. 14 - Title 41 of the Code of Federal Regulations, Chapter 60-60 entitled "Contractor Evaluation Procedures for Nonconstruction Contractors", requires standardized contractor evaluation procedures for compliance agencies. This chapter also requires the development of a written affirmative action program. See Appendix H.

22. Student Personnel Services - Services provided for students in the areas of admissions and records, counseling, health, and activities.

23. Subcontractor - Any person, firm, or agency having a contract with a [prime] contractor or another subcontractor calling for construction, supplies, or services required for the performance of a contract.

24. Supervisor - a) Classified - any classified employee designated as such by the Personnel Commission of the Ventura County Community College District.
b) Certificated - any person designated as management.

25. Test - The term means any paper-and-pencil or performance measure used as a basis for any employment decision in the area of classified staffing. It includes any objective, well-defined selection instrument, process or procedure that is formal, scored, or quantified, used as a basis for any selection decision. The term "test" is not restricted to paper and pencil tests since other selection procedures may present the same general problem of unfairly restricting job opportunities.

26. Test Validation - The process of determining whether or not the test or written examination measures what it purports to measure. Tests should meet the *O C R &* FEPC standards for validation including criterion-related validity, construct validity, content validity.

27. Timetable - A specific period of time set as the goal for the purpose of fully utilizing women and ethnic minority persons in the entire work force of the Ventura County Community College District.

28. Title VI - The title referring to "Nondiscrimination In Federally Assisted Programs" of the Civil Rights Act of 1964. (Public Law 88-352.)

29. Title VII - The title referring "To Promote Equal Employment Opportunity For American Workers" of the Civil Rights Act of 1964 as amended in 1972 by Public Law 92-261.

30. Title IX - Regulations implementing education amendments of 1972 prohibiting sex discrimination in education. (C F R)

31. Title 41 - Code of Federal Regulations statute that outlines the activities that a federal contractor must become involved with in order to develop an affirmative action program. This section put into law Executive Order 11246.

32. Underutilization - Is defined as having fewer ethnic minorities or women in a particular job classification than would reasonably be expected by their availability in the work force.

CHAPTER III

POLICY STATEMENTS, OBJECTIVES, TIMETABLES

A. Policy Statements

The Board of Trustees of the Ventura County Community College District shall, in subscribing to and promoting the principles of equal employment opportunity and fair employment practice, not discriminate against any person because of race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin, or *physical handicap*. Accordingly, the following policies are hereby adopted:

1. The Board proclaims itself as an equal opportunity employer and shall implement an Affirmative Action Program consistent with the provisions of *TITLE 41 C F R*, as amended and all applicable laws relating to fair employment practices.

2. In carrying out the Board's employment policy, the objective of the administration and faculty is to recruit, employ, and retain a certificated staff which in its membership closely approximates the ethnic and sexual composition which exists in the population of the College District.

3. The Board is committed to an Affirmative Action Program as the best means of taking positive steps to implement equal employment opportunity. In implementing the objectives and goals or timetables of the District's Affirmative Action Program, the Board shall ensure that a quota is not maintained and that the selection process shall not result in reverse discrimination or preferential treatment.

4. The Board recognizes that in order to realize equality of employment opportunity within the District, active recruitment will be undertaken. Recruitment for all positions shall include provisions to ensure that no person is denied consideration because of race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*.

5. The Board shall adhere to the concept of equal pay for equal work and salaries shall be comparable to those persons with similar qualifications in similar positions.

6. The Board shall award contracts or subcontracts to eligible bidders, contractors, vendors or suppliers who incorporate in their bid

specifications the "Equal Opportunity Clause" prescribed by the *Title 41, C F R* as amended and applicable federal laws and regulations relating to contract compliance.

7. *The District will make a good faith affirmative effort to employ qualified applicants who are veterans as described by section 2012 of the Vietnam Era Veterans Readjustment Assistance Act of 1974.*

8. *The Board recognizes and supports the principles of Title IX of the Education Amendments of 1972, subscribing to the policy that no person shall on the basis of sex, in any way be excluded from participation in be denied the benefits of, or be subjected to discrimination in any education program or activity.*

9. The Board shall designate the Affirmative Action Officer as the Deputy to the Superintendent responsible to him on matters relating to the implementation of the District's Affirmative Action Program.

B. Objectives

1. The Affirmative Action Program shall be implemented through the use of the Affirmative Action Manual consistent with existing Federal and State legislation(s). The Program as outlined in this manual shall become an on-going process in all personnel and contractual activities of the District and its colleges. The Affirmative Action Officer of the District shall be responsible for coordination among the various offices of the District. Nothing in this paragraph is intended to preempt the responsibilities of the District offices.

2. The Affirmative Action Program shall be a full-time, district-wide commitment. It shall be the responsibility of the Superintendent to see that the District Affirmative Action Officer (Deputy) provides support to the District and colleges' staff in implementing and resolving problems relating to affirmative action.

3. An active Affirmative Action Program requires updating and analysis of data on the community, students, and staff. An annual report and review including recommendations for appropriate changes consistent with existing laws and regulations will be an integral part of the Affirmative Action Program of the District.

. Timetables

The attached exhibits are a plan of action for the District to achieve the goals of affirmative action. As the exhibits indicate, it is the intention of the District to achieve a balance in its ethnic staffing at all levels by 1998-1999 based on the ethnic proportions of the community as it will exist at that time. Further, it is the intention of the District to achieve sexual balance at all levels by 2003-4 based on the sexual proportions of the community as it will exist in the 21st Century. Exhibits [1A, 1B, 1C] are attached as Appendix A of this Manual. The District will exert every good faith efforts in achieving these goals. Revisions will be made as conditions change.

CHAPTER I V

DUTIES AND RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER

The District Superintendent is charged by the District Board of Trustees with responsibility for the operation of the District's Affirmative Action Program. To assist in the execution of its program, the District Board creates the position of Affirmative Action Officer. Duties and responsibilities are as follows:

1. Serve as the Superintendent's official assistant in the development, implementation and maintenance of the District's affirmative action program.

2. Represent the Superintendent in committees on matters relating to affirmative action.

3. Study assigned problems and suggest solutions in such a manner that the Superintendent will, with a minimum of inquiry, be able to indicate approval or disapproval of the suggested solution(s).

4. Use available District sources in reviewing the qualification(s) of all employees with particular emphasis upon ethnic minority persons and women as they relate to fair employment practice.

5. Develop and update goals and timetables so as to effect positive action toward correction of identifiable deficiencies.

6. Assume responsibility for the revision of the Affirmative Action Manual as the need for such change is identified.

7. Advise the campuses and District regarding programs of recruitment for all personnel including ethnic minorities and women for those classified and certificated positions that may be falling short of goals.

8. Assume, in cooperation with appropriate personnel, the role of contract compliance officer on behalf of the District to the extent required by applicable Federal and State laws.

9. Review, in cooperation with appropriate personnel, job announcements, job specifications and other job statements to ensure compliance with all affirmative action requirements.

10. Advise and assist College and District administrators of the nature, purpose and intent of laws, executive orders, policies, regulations, prepare memoranda, instructions and reports necessary for the implementation of the District's Affirmative Action Program.

11. Assist, in cooperation with College and District administrators, in the investigation of formal complaints of alleged discrimination relating to fair employment practices and recommend corrective measures to the Superintendent.

12. *Assume responsibility for advertisement and recruitment for all positions for employment or promotion in the certificated or classified staff.*

13. *Oversee the selection processes of all applicants for employment or promotion in order to insure compliance with District Administrative policies as well as state and federal law.*

14. *Review all grievances alleging discriminatory treatment based on race, color, creed, religion, sex, national origin or physical handicap in violation of Title VII of the Civil Rights Act, Executive Order 11246, or Title 41 of the Code of Federal Regulations (see Appendix E for Grievance Procedure).*

15. *Review all grievances initiated by any employee; student; or applicant for employment, enrollment, or use of college facilities, alleging a violation of Title IX of the Education Amendments of 1972)see Appendix F for Title IX Grievance Procedure).*

16. Maintain liaison with County, State and Federal agencies, as well as organizations concerned with the promotion of fair employment practice.

17. Represent the District at meetings, conferences, and other gatherings pertaining to affirmative action programs as approved by the Superintendent.

18. Work with appropriate individuals and agencies in ascertaining current population characteristics data for the District.

19. Compile an annual report to the Superintendent and Board on the progress of the District's Affirmative Action Program.

20. Assume other responsibilities and perform other duties as assigned by the Superintendent.

CHAPTER V

PROCEDURAL IMPLEMENTATION RELATING TO PERSONNEL PRACTICES

A. Classified

1. Recruitment

SPECIFIC OBJECTIVE: In carrying out the recruitment process, no qualified person shall be denied consideration of employment because of race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap.*

PRACTICAL IMPLEMENTATION: The District will examine its recruitment processes to determine whether any discriminatory practices exist and move to correct all such practices in accordance with Federal and State laws. To ensure equal employment opportunity, promotional examinations may be open to all qualified employees and to all qualified applicants at the discretion of the Personnel Commission.

Various channels of recruitment will be considered in developing a non-discriminatory applicant pool.

All recruiting announcements must carry the statement "An Equal Opportunity Employer, Female/Male". Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular ethnic minority group or sex will be considered.

All recruiting announcements must carry the statement "An Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular ethnic minority group or sex will be considered.

2. Selection/Hiring

SPECIFIC OBJECTIVE: It shall be the objective of the District to hire classified personnel from its nondiscriminatory applicant eligibility list in conformance with its Affirmative Action goal of providing equal employment opportunity. Appointments will be made in accordance with the current rules and regulations of the Ventura County Community College District's Classified Service providing they are consistent with the goals of Affirmative Action. (See Classified Employees' Handbook.)

PRACTICAL IMPLEMENTATION: The nondiscrimination requirements of the Affirmative Action program apply to all persons; no person may be denied employment or related benefits on the grounds of race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin, or *physical handicap.*

The eligibility lists must be set up in such a way that there is nondiscrimination with regard to race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*. In all cases, standards and criteria for the classified vacancies available should be made reasonably explicit and accessible to all employees and applicants. Such standards may not draw a distinction based on race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin, or *physical handicap* nor may they be applied inconsisitently to deny equality or opportunity.

Hiring decisions and/or offers of employment may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her race or sex.

When oral panels are used their memberships should be comprised of representatives who are technically qualified in the specified occupational area. The appointing authority as well as the oral committee will be specifically informed regarding the District's affirmative action program.

A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin, or *physical handicap*.

3. Training, Upgrading, and Promotion

SPECIFIC OBJECTIVE: It shall be the objective of the District to provide programs to upgrade the skills of all employees, including women and ethnic minority persons, in an effort to eliminate discrimination and ensure equal opportunity in promotion. In addition, in-service training for all employees, particularly supervisors, on the goals of Affirmative Action shall be instituted.

PRACTICAL IMPLEMENTATION: The District will make special effort to ensure that all meritorious employees in its classified work force are given equal opportunity for promotion.

4. Anti-Nepotism Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family and which have an adverse impact upon one sex or *member of a protected group*, in employment.

PRACTICAL IMPLEMENTATION: The District shall review its practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

In addition, it will review its current practices to ensure that it has set reasonable restrictions on an individual's capacity to function as a judge or advocate in specific situations involving a member of his or her family. These restrictions must not have an effect of denying equal employment opportunities to one sex over the other. Staff members should neither initiate nor participate in institutional decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families, including persons residing within their household; neither should a District employee exercise direct supervision over another person who is related by blood or kinship.

5. Placement, Job Classification, and Assignment

SPECIFIC OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal opportunity for all, including ethnic minority persons and women.

PRACTICAL IMPLEMENTATION: The District shall conduct an inventory of all classified job clusters to identify areas of "underutilization" of women and ethnic minority persons. Once completed, the personal data should be coded and controlled in strict confidence so that access is limited to only those who need to know and are involved in administering and reviewing the Affirmative Action program and its goals. Summary data shall be made public.

Race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*, shall not be the basis for differentiating among job classifications nor shall any particular job classification be assigned to any particular group identified by race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin, or *physical handicap*.

6. Termination and Layoff

SPECIFIC OBJECTIVE: Seniority rule will be applied in cases of termination or layoff unless the District is legally enjoined to follow other prescribed procedures.

PRACTICAL IMPLEMENTATION: Seniority is an acceptable standard for termination with one exception: where an incumbent has been found to have been the victim of discrimination and as a result has less actual seniority that he or she would have had but for such discrimination; either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination. Whenever such discrimination is charged as having denied an employee of his rightful seniority it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule. Action to terminate employees shall be based solely on their performance on the job or a reduction in force.

7. Conditions of Work, Rights and Benefits, Salary, Leave Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary and leave policies are nondiscriminatory.

PRACTICAL IMPLEMENTATION: The District will review existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure nondiscriminatory practices.

The District shall set forth with reasonable particularity criteria for determining salary for each job classification and within each job classification. These criteria shall be made available to all present and potential employees.

B. Certificated

1. Recruitment

SPECIFIC OBJECTIVE: In carrying out the recruitment process no qualified person shall be denied consideration for employment because of race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*.

PRACTICAL IMPLEMENTATION: The District will examine its recruitment and hiring processes to determine where discriminatory practices exist and move to correct all such practices in accordance with Federal and State laws. Where such an examination reveals that ethnic minority persons and women have been underutilized because of discriminatory practices, every good faith effort will be undertaken to ensure equal employment opportunity.

Various channels of recruitment will be considered in developing a nondiscriminatory applicant pool.

All recruitment announcements must carry the statement "Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular ethnic minority group or sex will be considered.

All full time administrative vacancies requiring an administrative or supervisory credential will be open to all applicants, and will not be confined to personnel within the district. Job descriptions for such vacancies will include minimum education requirements, professional training related to the area for which application is made, prior college teaching and administrative experience, and comparable work experience.

2. Selection/Hiring

SPECIFIC OBJECTIVE: It shall be the objective of the District to hire certificated personnel from its nondiscriminatory applicant pool in conformance

with its Affirmative Action goal of providing equal employment opportunity.

PRACTICAL IMPLEMENTATION: Affirmative Action goals are to be sought through recruitment and hiring for vacancies created by normal growth and attrition in existing positions. Hiring decisions may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her race or sex.

When oral panels are used their memberships should be comprised of representatives who are technically qualified in the specified occupational area. The appointing authority as well as the oral committee will be specifically informed regarding the District's affirmative action program.

A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*.

3. Training, Upgrading, and Promotion

SPECIFIC OBJECTIVE: The District will make special effort to ensure that all meritorious employees in its certificated staff are given equal employment opportunity for in-service training, promotion and/or advancement.

PRACTICAL IMPLEMENTATION: The District will make special effort to ensure that, together with all meritorious employees, ethnic minority persons and women in its work force are given equal opportunity. This result may be achieved through career counseling and evaluation that result in professional in-service education. A career counseling program may be designed to assist any employee, including a woman or an ethnic minority person to prepare himself/herself for an administrative opportunity.

4. Anti-Nepotism Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family and which have an adverse impact upon one sex or *member of a protected group*, in employment.

PRACTICAL IMPLEMENTATION: The District shall review its current practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

In addition, it will review its current practices to ensure that it has set reasonable restrictions on an individual's capacity to function as a judge or

advocate in specific situations involving a member of his or her family. These restrictions must not have the effect of denying equal employment opportunities to one sex over the other. Staff members shall neither initiate nor participate in institutional decisions involving a direct benefit (initial employment, retention, promotion, salary, leave of absence, etc.) to members of their immediate families, including persons residing within their household; neither should a District employee exercise direct supervision over another person who is related by blood or kinship.

5. Placement, Job Classification, and Assignment

SPECIFIC OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal employment opportunity for all.

PRACTICAL IMPLEMENTATION: The District will conduct an inventory to identify "underutilization" of women and ethnic minority persons in its certificated staff. Once completed summary data will be made public.

Race, color, religion, sex, blood-relationship, age, birth, ancestry or national origin shall not be the basis for differentiating among job classifications nor shall any particular job classification be assigned to any particular group identified by race, color, religion, sex, blood-relationship, age, birth, ancestry, national origin or *physical handicap*.

6. Termination and Layoff

SPECIFIC OBJECTIVE: Seniority will be applied in cases of termination or layoff unless the District is legally enjoined to follow other procedures.

PRACTICAL IMPLEMENTATION: Seniority is an acceptable standard for termination with one exception: where an incumbent has been found to have been the victim of discrimination and as a result has less actual seniority that he or she would have have but for such discrimination; either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination. Whenever such discrimination is charged as having denied an employee of his rightful seniority it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule. Action to terminate employees shall be based solely on their performance on the job or a reduction in force.

7. Conditions of Work, Rights and Benefits,
Salary, Leave Policies

SPECIFIC OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary and leave policies are nondiscriminatory.

PRACTICAL IMPLEMENTATION: The District shall review existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure non-discriminatory practices.

The District shall set forth with reasonable particularity criteria for determining salary for each job classification and within each job classification. These criteria shall be made available to all present and potential employees.

C. Student

The goals and objectives of the Affirmative Action Program of the District will be extended to all qualified students seeking employment, including women and ethnic minority persons, to ensure equal employment opportunity. See Appendix A (1C), *for data and implementation.*

CHAPTER V I

CONTRACT COMPLIANCE GUIDELINES FOR CONTRACTORS

The contract compliance policy of the Ventura County Community College District encompasses three areas: (1) Federal funds; (2) State funds; (3) District funds.

A. Federal Funds

1. Guide to District Policy

The Ventura County Community College District is governed by *Title 41 C F R*, as amended, and other applicable regulations issued pursuant to said Order providing for the implementation of the Equal Opportunity Clause. Therefore, as an equal employment opportunity employer, the Ventura County Community College District requires that all of its prospective contractors or bidders comply with the intent of the "Equal Opportunity Clause" set forth in HEW-514 (4/69). Non-construction contractors or vendors of the District, including the Ventura County Community College District, will be expected to evaluate their procedures by using the form "Contractor Evaluation Checklist" *prescribed by the district.*

2. Goals and Standards

The goals and standards required shall be those set forth in the documents referred to above.

3. Invitation or Solicitation of Bids

As a result of the Ventura County Community College District's being an equal opportunity employer, the District requires all contractors to include the "Equal Opportunity Clause" in all solicitations or invitations for bids.

4. Post-Award Compliance

The District will discharge its responsibilities as required by law relating to fair employment practices as these apply to contractors, suppliers and others doing business with the District. Appendix E will be made a part of all contracts where applicable.

5. Good Faith Criteria

a. The District shall provide the contractor every opportunity to show that every good faith effort to meet the stated goals of utilization of women and ethnic minority persons has been exerted. The following criteria are suggested for use by contractors, vendors, or suppliers in measuring their good faith efforts:

i. Notify community organizations that employment opportunities are available;

ii. Maintain a file of referrals;

iii. Disseminate and publicize contractor's Equal Employment Opportunity policy;

iv. Recruit from county ethnic minority organizations, community action groups, schools with ethnic minority students, women's groups, etc.;

v. Ensure that all company facilities and activities are integrated;

vi. And other procedures which will ensure equal employment opportunity.

b. The District will make such assessment of compliance as are required by law.

6. Subcontractors

It should be the responsibility of the prime contractor to see that the Affirmative Action Plan for equal employment opportunity is met by all subcontractors.

B. State Funds

All State construction funding of at least ten thousand dollars ($10,000) shall be subject to the same provisions contained in the Affirmative Action program required for the use of Federal funds.

C. District Funds

All District construction funding of at least ten thousand dollars ($10,000) shall be subject to the same provisions contained in the Affirmative Action program required for the use of Federal funds.

APPENDIX A

EXHIBITS 1A, 1B, 1C

1A Goals For Regular Classified Employees
1B Goals for Certificated Employees
1C Goals for Student Employees

APPENDIX A WAS REMOVED FROM THIS DOCUMENT PRIOR TO ITS BEING SUBMITTED TO THE ERIC DOCUMENT REPRODUCTION SERVICE.

APPENDIX B

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
District Administration Center
Ventura, California 93003

Office of Affirmative Action

Date_____

MEMORANDUM

TO: Assistant to the Superintendent, Planning and Personnel

FROM, Office of Affirmative Action

RE: Certification of Applications

This is to certify that the FILE for the position of _____ at_____ is representative of the sex and ethnic composition of the community, or has been sufficiently advertised and is complete for screening of applicants for this position.

ASIAN		BLACK		NATIVE AMERICAN		SPANISH SURNAME		ETHNIC TOTAL		WHITE	
F	M	F	M	F	M	F	M	F	M	F	M

* GRAND TOTAL: Female:_____ Male:_____ Total_____

_____
District Affirmative Action Officer or designee

*The above data is an estimate of the sex and ethnic composition of the applicant pool based on a review of the application or resumé of each candidate.

F AAP 11/75

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
Administrative Procedure
Selection of Certificated Personnel

SELECTION PROCESS FOR CERTIFICATED EMPLOYEES

The selection process for all certificated positions in the instructional and counseling areas shall be carried out in the following manner.

RECRUITMENT

All openings for certificated instructional day/evening and counseling personnel shall be advertised through the District Affirmative Action Office. Each campus may also send out additional advertisements for those positions that are advertised by the Affirmative Action Office.

Notification of positions that open will be forwarded by the district office for certificated personnel to the Affirmative Action Office with sufficient lead time to permit the Affirmative Action Office to effectively advertise the position. This should normally be at least five weeks (5) prior to the dates desired for screening of applicants.

All applicants will be directed to forward their applications and resumes to the District Office.

SCREENING COMMITTEE

The President of each college shall be responsible for appointing a screening committee that is composed of persons in the discipline being advertised. The Committee may include one or more persons outside of the respective discipline.

The screening committee shall be composed of not less than three (3) persons, and shall include at least one administrator or supervisor of the division or service area. The Affirmative Action Officer shall be an ex-officio member of all screening committees.

SCREENING PROCESS

Application for certificated positions in the district shall be made to the district office. The district office for certificated personnel will forward to the campus all applications which meet the qualifications as published. All other applications which do not meet the published criteria for positions shall be returned to senders. The screening process shall not begin until the District Affirmative Action Officer has certified that a non-discriminatory applicant pool for the announced position exists or, in the absence of under-represented groups among applicants for the position, until the District Affirmative Action Officer has certified that a good-faith effort has been made to identify and encourage members of under-represented groups to apply. Only applications received by the district office and subsequently certified by the District Affirmative Action Officer as part of the non-discriminatory applicant pool of candidates for the vacancy to be filled shall be considered by the campus screening and recommending committee. In every instance the committee shall first evaluate the applications of all candidates certified as eligible in order to identify those applicants with outstanding qualifications who should be invited to appear for the oral interview. The screening of applications and resumes shall be done on an individual basis by each committee member.

In the reviewing of the application the committee members shall indicate on the appropriate evaluation sheet, in writing, their reasons for the particular evaluation and rank-order they have assigned each applicant. Those candidates who are invited to appear for the oral interview shall be those whose applications received the highest aggregate ratings based on the individual final rank-order ratings assigned by screening committee members (See Form A item 4). In all instances at least the top five candidates (where at least five qualified candidates have applied) shall be invited to appear before the committee for an oral interview.

SELECTION PROCESS

The screening and recommending committee will forward its recommendations on candidates interviewed, identifying those considered to be most qualified, to the president of the college for the final screening phase. The president will utilize those resources available to him, including personal verification of references, in evaluating the most qualified candidates. The president shall submit not less than three candidates for a position to the district superintendent indicating his determination of each candidate's overall qualifications as well as the candidate recommended by him to be best qualified for the position. After a review of the top candidates with the college president, the district superintendent will submit his recommendation to the Board of Trustees.

Nothing in these procedures is intended to prevent the district from responding to emergency situations or conditions of immediate urgency. Under such circumstances appropriate limited-term acting appointments will be recommended by the superintendent to the Board for action to insure integrity of programs and services.

USE OF FORMS AND ESTABLISHMENT OF DISTRICT FILE

Each member of a screening and recommending committee shall complete a *Form A* and a *Form B* for each candidate recommended for interview and interviewed. The forms shall remain in the custody of the district for that period of time established for post-audits as required by the Federal and State EEO regulations (normal period for filing complaints is 180 days).

APPENDIX D

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
District Administration Center
Ventura, California 93003

STATEMENT OF CERTIFICATION

TO: DISTRICT SUPERINTENDENT
ATTN: District Office of Affirmative Action

FROM: _____

DATE: _____

I certify, 1) that I have reviewed the Screening Committee Guidelines with the membership of the screening committee for the position of:

_____

of which I was chairperson and, 2) that all the business of the committee was conducted in accordance with the Screening Committee Guidelines and the District Affirmative Action Policies.

_____
Signature

F AAP 17/76

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
District Administration Center
SCREENING AND
ORAL INTERVIEW RECORD

CANDIDATE_____ VACANCY_____ COLLEGE_____

The evaluator is asked to rate the candidate using the criteria listed below. In each area a rating from 1 - 25 (min-max desirable) points should be assigned, with comments as necessary.

1. EDUCATION(25 points possible) The controlling criterion should be the professional training or preparation requisite to full performance in the area or discipline of assignment.

Comments: _____

2. EXPERIENCE (25 points possible) Including abilities and/or skills candidate may demonstrate as a result of experience or bilinguality performing a particular service for specific student groups or the local community.

Comments: _____

NOTE: If NO experience is required, all applicants who otherwise qualify receive the maximum of 25 points.

3. COMMITMENT TO PHILOSOPHY OF COMMUNITY COLLEGE (25 points possible) Including emphasis in teaching, working with students of all levels, cocurricular activities, service to community; note candidates strengths and/or weaknesses.

Comments: _____

4. PERSONAL CHARACTERISTICS (25 points possible) Health, letters verifying character, integrity, candidates strengths and/or weaknesses.

Comments: _____

Signature of Evaluator_____ Date_____ Total Points_____

NOTE: This form will be filed with the District Personnel Office and is subject to audit by authorized Federal agencies should they be required by law to undertake a review of employment procedures in response to any complaint alleging discrimination.

VCCCD FORM B revised 9/1/76

D38

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
District Administration Center
71 Day Road
Ventura, California 93003

- ☐ District
- ☐ Moorpark College
- ☐ Oxnard College
- ☐ Ventura College

CERTIFICATED EMPLOYMENT AUDIT REPORT – CONTRACT

Please file this form with each nomination for a contract certificated position submitted to the Superintendent.

1. Name of Nominee: _____

2. Title of Opening: _____

3. How many different agencies were contacted? _____
   Was the announcement sent state-wide? ☐ Yes ☐ No

4. The list of applicants for this position is representative of the ethnic composition of the community and is complete for screening of applicants: ☐ Yes ☐ No

5. How many completed applications for this opening: _____

   a. Among the candidates who applied for the position, how many were:

	Asian	Black	Caucasian	Chicano*	Other**
Female:					
Male:					

   b. Among the candidates called in for the interview, how many were:

	Asian	Black	Caucasian	Chicano*	Other**
Female:					
Male:					

6. Indicate the make up of the Screening Committee as to:

   a. Total number of members: _____

	Asian	Black	Caucasian	Chicano*	Other**
Female:					
Male:					

7. Indicate the make up of the Interviewing Committee as to:

   a. Total number of members: _____

	Asian	Black	Caucasian	Chicano*	Other**
Female:					
Male:					

8. Were members of the Interviewing Committee advised of the District's Affirmative Action Program? ☐ Yes ☐ No

Chairperson of Interviewing Committee:

_____
Give Name and Academic Position

President _____
(or designee)

*Includes Mexican-American, Spanish Surnamed individuals, Puerto Ricans and Mexicans.
**Non-whites not included in previous categories.

F-AAP 1/73 revised 1/76

APPENDIX E

GRIEVANCE PROCEDURE TITLE 41

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
District Administration Center
Office of Affirmative Action

EVALUATION AND REVIEW PROCEDURE
for processing Grievances

This evaluation and review procedure will apply to those situations where any applicant or employee of the district initiates a grievance alleging discriminatory treatment as a result of that individual's race, color, religion, sex, national origin, physical handicap, or age. Any applicant or employee desiring to institute a review and evaluation of either the screening and selection process or employment procedures by the office of affirmative action, must comply with the following:

1. The grievance must be expressed in writing and directed to the District Office of Affirmative Action
2. The grievance must indicate the specific circumstances that occurred which the applicant or employee feels directly supports the allegation of discriminating treatment
3. The request for evaluation and review must be filed with the Affirmative Action Office within 180 days following the date the discrimination actions took place

The Affirmative Action Office will within five (5) working days after receiving the grievance conduct an investigation utilizing at least, but not limited to the processes outlined below depending upon the type of applicant.

A. Non-district affiliated applicant for employment

1. Review the allegations and examine all of the following:

a. resumé screening forms

b. oral interview screening forms and

c. ranking (scores) of all the applicants for the position in question

2. Contact the screening committee chairperson and review:

a. the questions asked of each applicant

b. the actual conduct of the screening processes

3. Prepare for the Superintendent of the district a report of the investigation, outlining the extent of the review together with conclusions and/or findings of fact

B. District employee

1. Review the allegations and examine

a. the materials in the employee's personnel file

b. the appropriate written recommendations of the employee's present and past supervisors

2. Contact the employee's immediate supervisor in order to review:

a. the series of events relevant to the employee's grievance

b. the actual implementation of the relevant employment procedures cited in grievance

3. Prepare for the Superintendent of the district a report of the investigation, outlining the extent of the review together with conclusions and/or findings of fact

N.B.

Any request for review and evaluation shall be considered a confidential matter by the Affirmativ Action Office staff as well as by each and every individual contacted by the Office of Affirmative Action in the resolution of the request. Retaliation in any form, exercised against any person requesting a review and evaluation is prohibited and will be brought immediately to the attention of the District Superintendent and the Ventura County Community College District's Board of Trus

Approved by District Superintendent - 6/18/76

APPENDIX F

APPENDIX G

STATEMENT REQUIRED OF DISTRICT CONTRACTORS UNDER SECTION 1735 OF THE CALIFORNIA LABOR CODE

(This statement shall form part of the contract)

Pursuant to section 1735 of the Labor Code of the State of California, the Contractor or his subcontractors shall not discriminate in the employment of any person because of race, color, or religion of such person. The parties hereto agree that should such discrimination occur during the performance of this contract, the First Party is injured in that it is required to expend public funds on a project which was executed in a manner contrary to the laws of the State of California. The amount of injury suffered by First Party through such discrimination is difficult or impossible to calculate, and therefore should the contractor or any of his subcontractors discriminate in the employment of any person because of race, color, or religion, there shall be deducted from the contractor's final payment the sum of $ 25.00 for each act of discrimination. A finding of discrimination by the Fair Employment Practice Commission shall constitute a finding by the First Party that this condition against discrimination has been breached.

UNIVERSITY OF CALIF.
LOS ANGELES

NOV 4 1977

CLEARINGHOUSE FOR
JUNIOR COLLEGES